

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT FOR TENNESSEE**

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|---|---|--|
| TIMOTHY ALLEN ATCHISON |) | |
| |) | |
| Plaintiff, |) | Civil Action Number 3:24-cv-922 |
| |) | |
| v. |) | Jury Demand |
| |) | |
| |) | Judge Trauger |
| HUBBELL INDUSTRIAL CONTROLS, INC., |) | |
| |) | |
| Defendant. |) | |

PLAINTIFF’S CORRECTED MOTION FOR COMPLAINT AMENDMENT

1. In response to the Court’s direction (reference Document 27), Plaintiff certifies, pursuant to Local Rule 7.01(a)(1), that Plaintiff has conferred with opposing counsel regarding the requested Complaint Amendment (Document 24), and counsel for Defendant has indicated it cannot consent to the request. This Amendment does not moot the pending Motion to Dismiss.

2. The record reflects that the original Complaint (Document 1, Filed 7/30/2024) incorporated (pursuant to FRCP Rule 10(c)) two emails and a “Business Plan” material to the case issues. The emails and related Business Plan documents are referenced in the Complaint at Page ID # 5, 8 and 11, and see Complaint Exhibit 2.

3. In preparing the response to Defendant’s pending Motion to Dismiss, Plaintiff identified that one of the two emails referenced was inadvertently omitted from the attachment. Plaintiff, pursuant to FRCP Rule 15, moves the Court for an Order permitting amendment of the original Complaint by adding the attached document (email from Vance Hinton to Plaintiff Timothy Atchison, dated Monday, January 9, 2006, 05:46 p.m., referencing the pending

“venture” and “business plan”) as a part of Complaint Exhibit 2, as the second page of Document 1-2.

Respectfully submitted,

BURGER LAW FIRM

/s/Wm Kennerly (Ken) Burger

Wm Kennerly (Ken) Burger, BPR #3731

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CERTIFICATE OF SERVICE

I do hereby certify that a true and exact copy of the foregoing has been sent by U.S. Mail, postage prepaid, and by email, to the following on this **20th day of December, 2024**.

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cc: Timothy Atchison